



THE LEGION TIMES

Official Newspaper of The American Legion, Department of Texas

December 2007 * Volume 89, Issue 5



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Message from the Commander

I want to start with a "Big Thank You" for the work many of you did on membership by getting Department to 65% of our National goal of 90,000 members. However, even with your most sincere efforts our membership is lagging behind. The last week of November we only processed 1596 memberships. That gives us a total of 63,007 members, leaving us 4,493 short of our 75% National goal by the next target date which was November 12th. I know some Posts are not transmitting membership on a regular basis. We are asking that every Post make a big membership push this last month of the year to get those that have not renewed. Make telephone calls and "JUST ASK". Our 80% date is January 9th which means we need them in Department by January 4th. That is 9,000 members. With over 500 Posts this is very attainable. Let's make that year end push. Thanks!!



Many Posts are not aware of membership cut off dates for National Target Dates. This is nothing more than a lack of communications. Division Commanders must communicate with their District Commanders and the District Commander has to communicate with their Post Commanders. This is why you were elected, in order to communicate to the Posts about what is going on in the State and what is coming up that may concern your Posts in your District. It is very important to visit your Posts and let them know you are there for them.

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and submissions to:

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On a different note, November travels have taken me to 9 Districts and 22 Posts. I started the month with a visit to the Houston V.A. Hospital and the luncheon at M.D. Anderson Hospital. From there I attended the 11th district convention in Killeen. The hospitality was great.

My Mineral Wells visit was something everyone should witness. Their Veteran's Day program was held on their football field with the stands filled with kids and many adults on the field. There was a fly over and all military branches were recognized.

Odessa held their Veteran's Day program on Sunday. The turnout was good and I was honored to be their guest speaker. After the Post fed us a much appreciated lunch of Pizza I proceeded to a Flag Retirement Ceremony that the Boy Scouts were conducting for the community. All of the folks at Mineral Wells and Odessa were great and the hospitality was wonderful.

When I left Odessa I went to San Antonio where we visited the V. A. hospital, Brooks Medical Center and American Legion Posts to introduce the Hero's to Hometown Program. This program is an outstanding way to get visibility in your community and let the community know what the American Legion is about along with our other programs. We learned a lot and with some ground work we will be improving on this program and how to better introduce it to the community. If we are to grow in membership we must do the service work and the membership will come.

We had a great time on the 12th district membership tour and picked up a lot of membership. I want to thank the 12th District Commander Sonny Starr and HEB Post for taking care of Donna and I on this tour.

The last three days of the month I spent in Austin looking at properties that might be of interest for our new department headquarters. We had a board meeting to look at different sites on Thursday and Friday. We looked at a couple that are possibilities, but we are planning to look at some more. No decision has been made at this time, but we will keep you informed on our progress.

Donna and I want to wish everyone a Merry Christmas and a Happy New Year. Whether it be with family or friends, may you rejoice in all of the joys that the season brings. Please drive safe this holiday season.

For God and Country
Paul Dillard
Department Commander

2007-2008 DEPARTMENT OFFICERS

Paul Dillard, Department Commander
J.G. "Lupe" Garza, Department Vice Commander
Harvey Klee, Chaplain
Kenneth Mueller, Treasurer
Daniel Corbin, Judge Advocate
William Moore, Historian
Connie Jo Purchis, Sergeant-at-Arms
Ronald Cherry, NEC
Conrad Roberson, Alt NEC
C.W. Sparks, IPDC
William West, Adjutant
Bob Squyres, Director of Internal Affairs
Edward Reyes, Department Service Officer (Houston)
Michael Lacy, Department Service Officer (Houston)
Beverly Conway, Department Service Officer (Waco)
Raymond Wildman, Department Service Officer (Waco)

DIVISION COMMANDERS

Jimmy Walker, 1st Division Commander
Al Marlowe, 2nd Division Commander
Pablo Aguillon, 3rd Division Commander
Harry Hicks, 4th Division Commander

DISTRICT COMMANDERS

Bobby Baker, 1st District Commander
Jerry Millwood, 2nd District Commander
Orval Miller, 3rd District Commander
Mark L Thomson, 4th District Commander
Dan Arnold, 5th District Commander
Glen Newman, 6th District Commander
Larry Eary, 7th District Commander
Dana Young, 8th District Commander
Robert R Rohan, 9th District Commander
Dan Musgrove, 10th District Commander
Kathy Warren-Miller, 11th District Commander
Walter Starr, 12th District Commander
Dale Anspach, 13th District Commander
James R Carney, Jr., 14th District Commander
Albert Cavazos, 15th District Commander
James (Dave) Crowder, 16th District Commander
George Simpson, 17th District Commander
Barry Schoenhals, 18th District Commander
Daniel Spence, 19th District Commander
Al B Saunders, 20th District Commander
Billy Rollwitz, 21st District Commander
Lynn E Sparks, 22nd District Commander
Jesus E Cantu, 23rd District Commander

TEXALPA NEWS

The TEXALPA breakfast will be held on Sunday January 27, 2008 at the Omni Hotel, the site of the Mid-Winter D.E.C. We are only making reservations for 30 this year so make your reservations by January 15, 2008. The cost will be \$20.00 per person. We will be done in time for the Memorial Service. Send your checks for the breakfast to M.E. Magers at 2719 Cartwright in Irving, TX. 75062. My E-Mail address is memagers@gte.net.

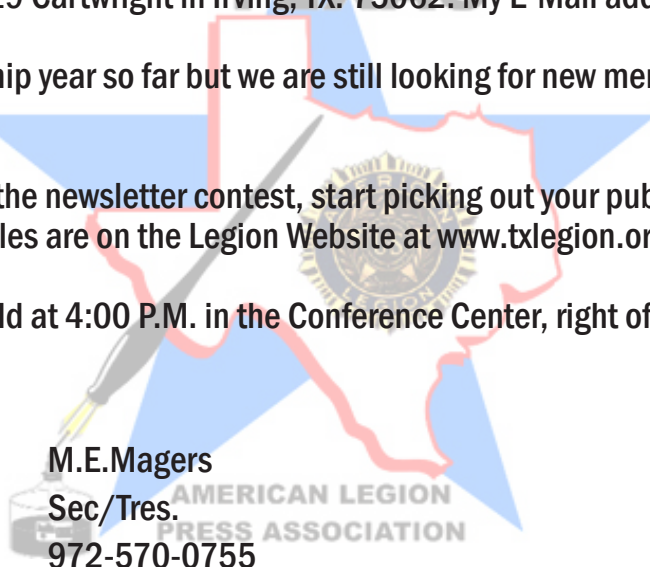
This has been a good membership year so far but we are still looking for new members. The application is on the Website.

Now is the time to get ready for the newsletter contest, start picking out your publications and updating your Websites. The categories and rules are on the Legion Website at www.txlegion.org.

Our business meeting will be held at 4:00 P.M. in the Conference Center, right off of the lobby, at the Omni Hotel.

J. R. Carney Jr.
President
361-522-9923

M.E. Magers
Sec/Tres.
972-570-0755



Update from the Department Secretary

Well, the traveling continued in November. The first Friday in November, I met NEC Robbi Ruppert along with Cancer Chairman Cathy Jackson and some members of Seguin Unit 245 in Luling; accompanying them to Houston to attend the annual Cancer Luncheon hosted by the Graduate School of Biomedical Sciences at M D Anderson Cancer Center. The ALA annually donates funds to M D Anderson. The money is given to graduate students of the Biomedical Sciences. This year the Auxiliary donated \$50,000 which was awarded as fellowships to 10 graduate students. At this luncheon we are given the opportunity to meet the recipients and their advisors. It is always interesting to hear what the students are doing in cancer research. The Auxiliary has been involved with M D Anderson since 1950-51. Since 1971 over \$1.1 million has been donated by the Department of Texas; all through the efforts of our units and members.

During the week of November 5th I accompanied Department Adjutant Bill West and Convention City Vice Chairman George Bannon on a trip to Amarillo and Odessa looking at potential convention sites for 2010. We attended receptions hosted by Post 54 in Amarillo and Post 430 in Odessa. The members of the posts/units were most welcoming and very excited to have us visit. We looked at hotels, hotels and more hotels. We visited the convention center in Amarillo as a potential site for the Department Convention, saw the Cadillac Ranch and ate at the Big Texan. Herb Odell Convention City Chairman was interviewed by a television reporter and was on TV in Odessa. The Odessa post is enormous. I was amazed. The decorated horses in Amarillo and the painted rabbits in Odessa were very interesting and fun to see. It was a great week of traveling, seeing fun and interesting sights, beautiful cities and enthusiastic members who are willing to host department conventions in their cities.

We will be traveling to Beaumont the first week of December; finishing our site visits for future department conventions. I'm looking forward to visiting Beaumont again. Their hospitality is exceptional. The decision for a convention site will be made at the Midwinter Conference in January.

The Auxiliary reached the 65% target in membership before the November 27th deadline and we are now working on the next target. The race continues and we are speeding toward the 80% target of January 29th. Please encourage Auxiliary members in your family to pay their dues.

The agenda for the Midwinter Conference will be posted to our website sometime in December. There will be training by National for Auxiliary members during the Saturday session. Please encourage our members to attend. An advance registration form is posted to our website and was mailed in our bimonthly bulletin last week.

Please get in touch with us, if you have any questions or need information.

Merry Christmas to all.

Paula Raney
Department Secretary
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Fax: 512-482-8391
e-mail: alatexas@txlegion.org
website: www.alatexas.org

IRS Challenges Tax-Exempt Status of Legion Posts

By Phillip B. Onderdonk, Jr., National Judge Advocate

Taken from the Nov 16, 2007 issue of The American Legion Dispatch, with permission of the National Headquarters.

The Internal Revenue Service is pressuring some American Legion posts across the country to justify their nonprofit, tax-exempt status. Among recent developments:

- American Legion posts in a growing number of states have recently been audited and penalized – some into the tens of thousands of dollars – over veterans to non veterans ratios on their membership rolls. American Legion post must have 75 percent veterans in order to maintain tax-exempt status. As a separate organization, the American Legion Auxiliary remains unaffected for now.
- A new law, effective with 2007 tax-year filings, requires small American Legion pots – those with annual gross receipts of \$25,000 or less – to electronically file Form 990-N with the Internal Revenue Service each year. If those posts do not file the form, known as an e-postcard, or a regular Form 990, they face losing their tax-exempt status. The IRS began mailing educational letters in July to notify small tax-exempt organizations that they may be required to file the e-postcard. Churches are exempt from the requirement. So, for American Legion posts, the words “may be required to file” can be exchanged for “MUST file”.
- The same law means that all American Legion posts must have their own unique Employer Identification Numbers, even if they have never filed a return or if they have not filed one in years. A post cannot use the EIN of its department or national headquarters. IF it does, it risks losing its tax-exempt status.

National Headquarters is addressing this recent wave of heightened scrutiny by the IRS. The 75-25 rule is a condition of the organizations 501 (c) (19) status as a nonprofit veterans organization.

The law requires that nonprofit veterans organizations must consist of “at least 75 percent of the members of which are past pr present members of the Armed Forces of the United States and substantially all of the other members are individuals who are cadets or spouses, widows, widowers, ancestors, or lineal descendants of past or present members of the Unites States ...”

Many American Legion posts across the country have a growing number of Sons of The American Legion (SAL) members. Among the recently audited and penalized posts, the percentage of SAL members had been interpreted by the IRS to have exceeded the 25 percent limit.

However, that interpretation may not always be accurate. For instance:

- The IRS does not always subtract SAL members who happen to be veterans. Many SAL members served in the armed forces between American Legion eligibility periods. The law requires that 75 percent or more be veterans, not necessarily veterans eligible for American Legion membership.
- Dual Legion-SAL members should be counted only once as veterans, and their membership in the other organizations should not be applied against the total.
- The percentages must be accurately calculated, where the percentage of non-veterans SAL members is based on the total membership – American Legion and SAL combined- rather than just the Legion total.

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IRS Challenges Tax-Exempt Status of Legion Posts

National Headquarters is also working with departments, districts and posts to make the case to the IRS that the ratio of veterans to non-veterans should be considered across an entire state or even the nation.

The simple solution is to recruit more American Legion members. It also pays to transfer Legion members out of the Headquarters post and into the local community posts.

The American Legion and other veterans organizations have succeeded in getting the percentage changed in the past. At one time, a post had to maintain 90-percent veteran membership.

Any American Legion post facing an IRS audit is encouraged to hire a qualified tax lawyer and certified public accountant. Quality, professional advice can often reduce penalties and fees, and even prevent a negative decision that could adversely affect a post's nonprofit status.

National Headquarters wants to know about any American Legion posts facing such audits. With the right case, the post, the department and National Headquarters can take joint action.

Contact your department headquarters for further assistance.

501 EXEMPTION FROM TAX ON CORPORATIONS, CERTAIN TRUSTS, ETC.

(a) Exemption from taxation

An organization described in subsection (c) or (d) or section 401 (a) shall be exempt from taxation under this subtitle unless such exemption is denied under section 502 or 503.

(c) List of exempt organizations

The following organizations are referred to in subsection (a):

(19) A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization –

(A) Organizations in the United States or any of its possessions,

(B) At least 75 percent of the members of which are past or present members of the Armed Forces of the United States and substantially all of the other members of which are individuals who are cadets or are spouses, widows, [3] widowers, ancestors, or lineal descendants of past or present members of the Armed Forces of the United States or of cadets, and

(C) No part of the net earnings of which inures to the benefit of any private shareholder or individual.

IRS Notifies Small Tax-Exempt Organizations of New Information Reporting Requirement

The Internal Revenue Service began mailing educational letters in July to more than 650,000 small tax-exempt organizations that may be required to submit a new annual notice, Form 990-N, "Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or 990-EZ."

IRS expects to mail the letters over a period of several months, finishing in December. With the enactment of the Pension Protection Act of 2006 (PPA), the majority of small tax-exempt organizations are now required to submit the e-Postcard. Previously, tax-exempt organizations with gross receipts of \$25,000 or less were not required to submit information returns. The first e-Postcards are due in calendar year 2008. The IRS intends to have an option available for free electronic submission of the e-Postcard.

"We're sending these educational letters to all the small exempt organizations in our records because we want to make sure they all know about the new requirement," said Lois G. Lerner, director of the IRS Exempt Organizations division. "The new e-Postcard reporting requirement is simple and straightforward, but organizations shouldn't ignore it, or they risk losing their tax-exempt status."

Any organization that fails to meet its annual reporting requirement for three consecutive years automatically loses its tax-exempt status under the new law. An organization that wants to regain its exempt status will then have to reapply for recognition as a tax-exempt organization.

Short, Easy, Free and Electronic

"The IRS calls the new form an e-Postcard because it is short, easy and electronic," Lerner said. "And organizations will be able to submit it free of charge."

The e-Postcard requires small organizations to provide a legal name and mailing address, any other names used, a Web address if one exists, the name and address of a principal officer and a statement confirming the organization's annual gross receipts are normally \$25,000 or less.

In addition to sending out educational letters, IRS is encouraging everyone -- individual volunteers, tax practitioners and larger organizations -- to spread the word about the new e-Postcard reporting requirement.

"People do a lot to help their communities by volunteering their time and money to local charities. We're asking them to also offer a helping hand by making sure that charities know about the law change," Lerner said. "We don't want those organizations to lose their tax-exempt status because they didn't know about the new reporting requirement."

The IRS is developing a free reporting system for the e-Postcard and an application to make the information available to the public on www.irs.gov. Information about these systems will be announced as soon as it becomes available.

Further details, including frequently asked questions and a copy of the educational letter, are available in the charities and non-profits section of www.irs.gov.

Analysis finds dollars, volunteer hours reveal Strong American Legion impact

AUSTIN, TEXAS, November 26, 2007

Community volunteers often wonder if their efforts make a difference. For members of The American Legion throughout the State of Texas an analysis of reports covering the past 12 months provides evidence that it does – to the tune of \$1,459,072.00 million and counting. Volunteers gave over 176,500 hours of community service in their local communities across Texas.

A review of reports covering July 2006 through June 2007 finds that post service officers gave more than 5,472 veterans assistance in seeking to obtain earned benefits from the Department of Veterans Affairs.

More than 127 volunteer members of Legion Color Guards and Honor Guards gave 3,085 veterans final graveside military honors.

More than 91 veterans found jobs through Legion job placement action and another 25 were placed in critical job training positions.

When it comes to volunteer time you cannot put a price on the more than 218,435 hours members of The American Legion put in.

Legionnaires also rallied more than 50 communities for September 11th Remembrance ceremonies. And the local blood supplies were filled with 1,205 pints of blood from these wartime veterans.

The American Legion sponsored more than 32 teams across Texas last year spending \$23,218.00 on equipment, uniforms, insurance, etc. Sixty four percent of Major League players got their start in American Legion Baseball.

Since 1919 members of The American Legion have remained committed to their community, state and nation through volunteer service to veterans, their families and the children of America.

The American Legion is the nation's largest wartime veterans organization.

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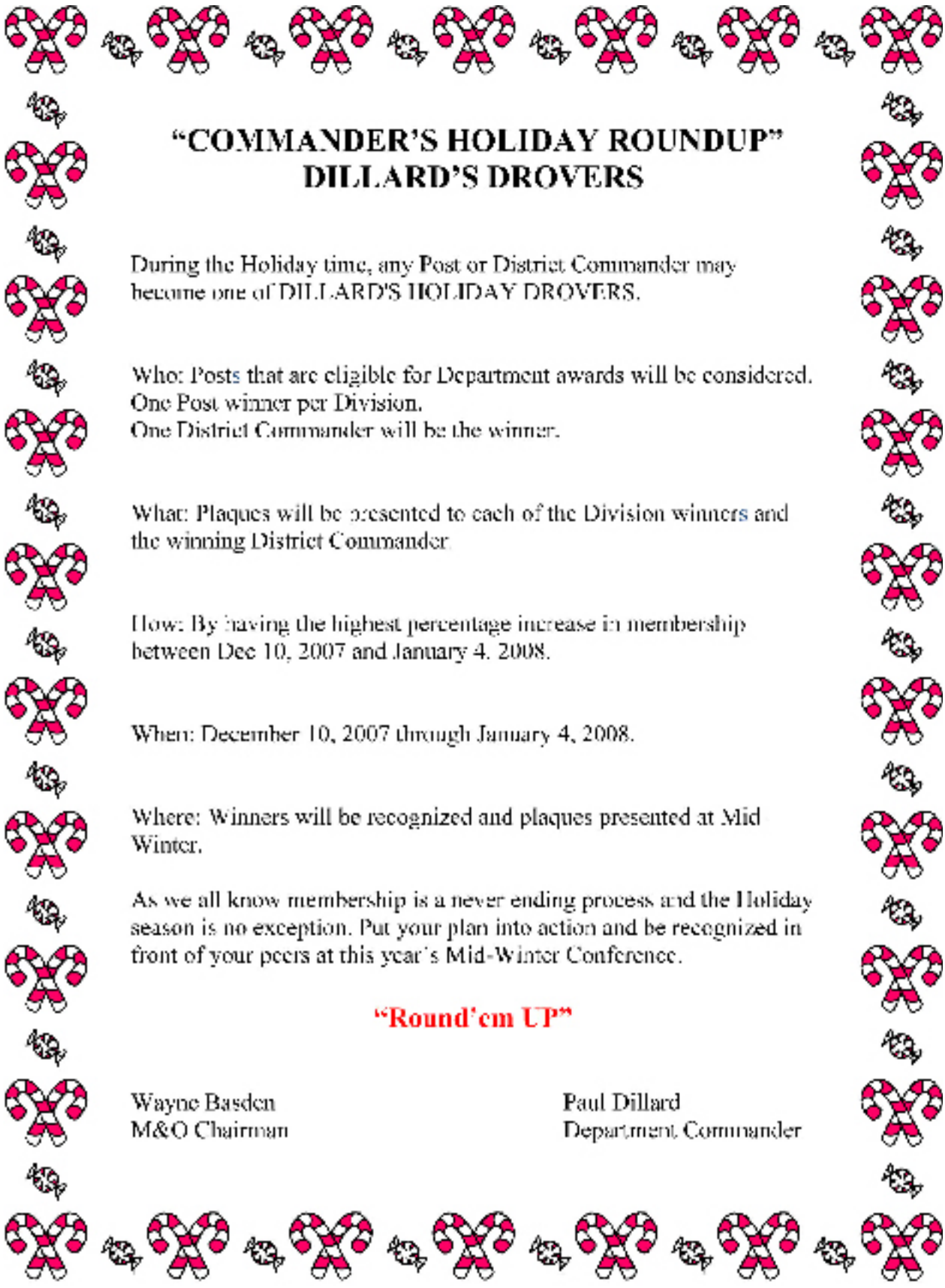
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“COMMANDER’S HOLIDAY ROUNDUP” DILLARD’S DROVERS

During the Holiday time, any Post or District Commander may become one of DILLARD’S HOLIDAY DROVERS.

Who: Posts that are eligible for Department awards will be considered.
One Post winner per Division.
One District Commander will be the winner.

What: Plaques will be presented to each of the Division winners and the winning District Commander.

How: By having the highest percentage increase in membership between Dec 10, 2007 and January 4, 2008.

When: December 10, 2007 through January 4, 2008.

Where: Winners will be recognized and plaques presented at Mid Winter.

As we all know membership is a never ending process and the Holiday season is no exception. Put your plan into action and be recognized in front of your peers at this year’s Mid-Winter Conference.

“Round’em UP”

Wayne Basden
M&O Chairman

Paul Dillard
Department Commander

Update from Auxiliary President Charlie Dew

Commander's Paul, Joe and I attended the Veterans Day Celebration at the American Legion Family #75 in Mineral Wells, Texas on November 9th. The program was wonderful. What really was the best was, all of the children in attendance. There were several hundred from different school districts that stood and "Pledged Their Allegiance" in unison. What an awesome sight! It made me have chills as all of these young people recited "one nation under God". I wish that all school districts had the foresight of the Mineral Wells ISD, their American Legion Family and their community. Thank you for teaching your children patriotism and the values in which our country was founded.

National President Jan has asked the American Legion Auxiliary to get behind her on her special project of raising funds for the National President's Scholarship Fund. This fund is being called, "Educating Children of Warriors." Children of our nation's veterans and service members have sacrificed due to their parents' dedication to defending our nation and our values.

President Jan's goal for this year is \$1.2 million to increase the amount of the scholarships the Auxiliary gives to these very deserving children and to create a fund to do that forever.

A special junior patch has been approved for our Junior members to be involved with this year. Help get the word out to all of our Junior members. I hope that every Junior will be involved in some activity to raise funds for this worthwhile cause. This project will provide scholarships for children of our veterans for years to come. Most Juniors become eligible for this scholarship, so let's get them involved in this effort.

Any Junior can earn a patch if she raises at least \$5 for each year old of her age. That is, a 5 year old should raise at least \$25.00 and a 15 year old should raise \$75.00.

Donations can be raised in many different ways. Junior can solicit from family, friends, Legion Family or anywhere. It can be raised as an individual or as a group. The goal is to be involved and aware of the scholarship project.

Our Leadership Committee has scheduled many Leadership Schools for this year. I am in hopes that many Units will host leadership schools and invite the Units within their Districts. Those hosting can make a social event along with a leadership school. What better way to get to know the members of the Units within your District. Please contact the Leadership Committee member from within your Division to schedule a school.

MEMBERSHIP!!!!!! Last year the first week of December, the Department of Texas had 18,654 members. This year as of November 14th, we have 13,797. There are 5,857 less this year than last. What is going on? Why are our members not renewing? Are we recruiting members to replace those that we are losing either by death or non-renewals? Yes, we are higher in the National Standings, but, we are not where we should be in membership. We should be growing not losing members.

Public Relations are a very important part of recruiting and retaining membership. Utilize the upcoming holidays to promote the American Legion Auxiliary and everything that we do. Newspaper articles, PSA's on the local cable network, posters in Wal-Mart, do what you have to do to get the word out about our organization.

I know that everyone had a wonderful Thanksgiving. I would like to wish you all a very Merry Christmas and a very Prosperous New Year!

God Bless You, God Bless America and God Bless The American Legion Family,

National Emergency Fund

Legion Family Members helping Legion Family Members

Our Preamble to The American Legion Constitution says it best, "...devotion to mutual helpfulness." This phrase is more than just mere words on paper; it's our pledge of support to our distressed comrades. Since the early 1920's, The American Legion has been actively involved in meeting the needs of both the community and individual Legion family members in the wake of disaster.

Hurricanes, tornadoes, earthquakes, wildfires...The American Legion National Emergency Fund was born out of natural disasters to compassionately heal the wounds of catastrophe and help save their homes. A major disaster could happen to any Legionnaire in any town at anytime and make them homeless.

The National Emergency Fund has provided over \$3,000,000 in direct financial assistance to Legion family members and posts. The National Emergency Fund has kept posts from closing and enabled Legion family members to begin to rebuild their homes and their lives.

Recently some of those funds, over \$8000.00, went to two Posts within the Department of Texas this year. Many of you will remember the summer floods we had in the Dallas area. Lake Texoma Post 231 was a victim of those floods, Post Members were forced to sit and watch as the water in the area slowly inched its way up to their Post Home. After days of rain, the patiently awaiting the members of Post 231 were finally able to get into their Post Home to assess the damages. They found that the water had reached to over 3 feet in their Post Home.

While the Posts insurance didn't cover all the damages and they weren't eligible for any assist from FEMA, they turned to The American Legion and the National Emergency Fund for assistance. At the Fall Department Executive Committee Meeting Department Commander Paul Dillard presented a check on behalf of the National Emergency Fund in the amount of \$5000.00 to Texoma Post 231 Post Adjutant Michael Griffith.



Bar Manager Pat Pendleton, Post Finance Officer Helen Nitzband, Post Adjutant Doug Pendleton, Post Commander Gary Smith, Dept Cdr Paul Dillard)

Recently the Copperas Cove Post 582 was damaged by flood waters and a few weeks later by fire. While the insurance company only covered the fire damage and like Texoma Post 231 they did not qualify for any assist from FEMA for the flood damage they received. Copperas Cove Post 582 turned to The American Legion's National Emergency Fund for assistance.

On November 29, 2007 Department Commander Paul Dillard presented to Copperas Cove Post 582 Post Commander Gary Smith a check from the National Emergency Fund for \$3000.00.

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National Emergency Fund

Eligibility Criteria:

1. Eligibility open to Legionnaires, Auxiliary ** and Sons members (up to \$1,500) Legion Posts (up to \$5,000). (** If Auxiliary membership is less than 5 years continuous. Otherwise, will be forwarded to the National American Legion Auxiliary for consideration.)
2. Not meant to replace or repair items, only to meet most immediate needs (i.e., temporary housing, food, water, clothing, diapers, etc.)
3. Membership must be active at time of disaster and the time of application

How To Apply

1. Application must be received within 90 days of disaster.
2. Disaster must be a “declared natural disaster” by Federal, State or local government authorities.
3. Supporting data (photos, repair estimates, etc.) should be included if at all possible or statements (testimony) from post/district/department officers attesting to damages.
4. Only one grant per household.
5. Not designed for insurance compensation, loss of business, outbuildings on your property (barns, tool sheds, silos, etc.), equipment (tractors or other farm vehicles), or any type of automobile.

Members must complete a National Emergency Fund Grant Application. Applications may be obtained by contacting your Department Headquarters.

Application is properly completed by applicant then sent to the Department Headquarters for approval.

If everything is in order, department will forward to National. Upon approval at the National level, a check will be sent to the Department Headquarters for delivery to the Legion Family Member or Post in distress.

How You Can Help

We have an obligation to assist those less fortunate members when the need arises, and we do – through our donations to the National Emergency Fund. All contributions made to this fund are deposited in a special account and are used exclusively to meet our member’s most urgent needs. Not one single contribution dollar is used for fund raising, administrative costs or fulfillment.

The money in the fund comes by way of generous donations from Legionnaires, American Legion Auxiliary members and Sons of The American Legion members.

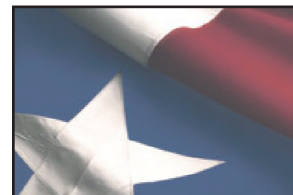
Send your tax-Deductible Contributions To:

The American Legion
National Emergency Fund
P. O. BOX 6141
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